

REMARKS

This Application has been carefully reviewed in light of the Final Action dated December 11, 2003. Applicant respectfully requests reconsideration and favorable action for this Application.

Claims 1-14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Apte, et al. in view of McQuistan, et al. and further in view of Chang. Independent Claims 1 and 12 recite in general the generation on the client system a class with a type code and a communication protocol without generating a stub or a skeleton associated with Common Object Request Broker Architecture (CORBA) compliant object request brokers. By contrast, the Examiner readily admits that the Apte, et al. patent fails to disclose this capability. The Examiner uses the McQuistan, et al. patent to support the disclosure of this capability. However, the McQuistan, et al. patent clearly requires the use of a stub on its client system. See stubs 408 and 412 in FIG. 4 and stub invocation for client side processing in FIG. 5 of the McQuistan, et al. patent. The Examiner points to the statement in the McQuistan, et al. patent that its preferred embodiment does not use stubs on its server side. However, the claimed invention requires that stubs not be used on the client side. As shown above, the McQuistan, et al. patent clearly requires stubs on its client side. Thus, the Examiner's proposed combination does not generate on the client system a class with a type code and a communication protocol without generating a stub or a skeleton as provided by Independent Claims 1 and 12. Therefore, Applicant respectfully submits that Claims 1-14 are patentably distinct from the proposed Apte, et al. - McQuistan, et al. - Chang combination.

The present Response to Examiner's Final Action is necessary to address the Examiner's interpretation of the

cited art as compared to the language of the claims. This Response to Examiner's Final Action could not have been presented earlier as the Examiner has only now provided a clarification to the interpretation of the cited art.

CONCLUSION

Applicant has now made an earnest attempt to place the Application in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests reconsideration and full allowance of Claims 1-14.

The Commissioner is hereby authorized to charge any amount required or credit any overpayment to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

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